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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,905	03/22/2002	Markus Hohl	22147	5189

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/069,905

Applicant(s)
HOHL

Examiner
James O. Hansen

Art Unit
3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 22, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 22, 2002 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "38" has been used to designate both a "nylon glider" and a "handle".
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: reference no. "39" [fig. 3]. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
4. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

The following order or arrangement is preferred in framing the specification and, except for the reference to the drawings, each of the lettered items should appear in upper case, without underling or bold type, **as section headings**. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.

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- (b) Cross-Reference to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claims 1 & 4, the phrase "or the like" renders the claims indefinite because the claims may include elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d). In Claim 1, line 8, the phrase "cavity between first and second lockers" may be viewed as an additional limitation in addition to the previously defined "at least first and second lockers" since the phrase does not clearly denote the "lockers" as being the previously defined lockers [e.g., --a cavity between {the or said} first and second lockers--]. In Claim 1, line 9, the phrase "the door's curve" does not

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have a proper antecedent basis since the door was previously defined as having a “uniform cross section and of uniform curvature”. In Claim 1, lines 10-11, the phrase “the cavity being capable of accommodating the door whilst it is in the closed position” is unclear and confusing as presently worded since the cavity actually accommodates the door when in the open position. In Claim 3, the following recitations do not have a proper antecedent basis: “the covering member” and “the one edge of the door”. In Claim 6, the phrase “the pivot means” does not have a proper antecedent basis. In Claim 8, the phrase “the segmental shape” does not have a proper antecedent basis. In Claim 10, the phrase “A group of lockers” does not constitute a proper preambulatory antecedent basis since the independent claim (claim 4) is directed towards “A locker”. Consequently, the remaining claims are rendered indefinite because they are dependent upon a rejected claim. It is noted in claim 1, line 2, the term “neighbouring” should be changed to --neighboring--.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by St-Germain et al., [U.S. Patent No. 5,135,293]. St-Germain (figures 1-31) teaches of a locker assembly including first (24) and second (26) neighboring lockers. The first locker including a body forming a

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compartment having an open side (fig. 6), and a door (30) of generally uniform cross section and of uniform curvature (fig. 6), the door being supported and able to be rotated from a closed position in which the open side of the compartment is substantially covered by the door, to an open position in which the open side of the compartment is uncovered (fig. 6 - col. 6, lines 1-10), there being a cavity between the lockers (see fig. 6), the door's curve lying upon a circle during rotation and the cavity able to accommodate the door while the door is in an open position as best understood by the examiner. The cavity, when viewed from the front of the lockers, is covered by a covering member (96 for example). The covering member including a recess (as defined by bracket 97) to accept an edge of the door [col. 6, lines 13-16] as best understood by the examiner. The locker door being supported upon a pivot means (64a, 64b, 74 & 80), wherein the pivot means incorporating a segmental shape (64a, 64b for example) pivoted about the apex (74) of the shape. A locking means (conventional padlock - col. 6) is used to secure the door in the closed position. The locking means acts upon a segmental shape (97 for example) as best understood by the examiner. The door being provided with a handle (94).

Conclusion

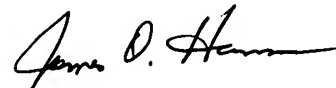
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stanger and Hoffman teach of housings employing curved doors.

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-1113. **Fax numbers** for Official Papers are as follows:

Before Final (703) 872-9326 & After Final (703) 872-9327.

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen
Primary Examiner
Technology Center 3600

JOH
June 19, 2003